

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL CASE NO.
AMD-04-029

WILLIE MITCHELL,

Defendant

_____ /

(Sentencing)
Friday, February 27, 2009
Baltimore, Maryland

Before: Honorable Andre M. Davis, Judge

Appearances:

On Behalf of the Government:
Robert Harding, Esquire

On Behalf of the Defendant:
Laura Kelsey Rhodes, Esquire
Michael Lawlor, Esquire

Also Present: Tim Johnson,
Probation Officer

Reported by:
Mary M. Zajac, RPR
Room 5515, U.S. Courthouse
101 West Lombard Street
Baltimore, Maryland 21201

1 (Proceedings at 11:03 a.m.)

2 MR. HARDING: Your Honor, this is United States versus
3 Willie Mitchell, Docket Number AMD-04-0029. And we're here for
4 sentencing today.

5 THE COURT: Thank you, Mr. Harding. Good morning.
6 Good morning, Ms. Rhodes, Mr. Lawlor.

7 MS. RHODES: Good morning, Your Honor.

8 THE COURT: Ms. Rhodes, Mr. Lawlor, you and your client
9 are prepared for sentencing, having reviewed the Presentence
10 Investigation?

11 MR. LAWLOR: Yes, Your Honor.

12 MS. RHODES: Yes, Your Honor. Mr. Mitchell had
13 indicated at one point he did not want to participate in what was
14 being provided to the PSR writer. But he is reviewing, I met
15 with him this morning and he is reviewing the PSR, finishing it
16 now.

17 THE COURT: Do you need a moment?

18 MS. RHODES: We can continue, Your Honor.

19 THE COURT: All right. I'll hear from the government
20 first.

21 MR. HARDING: Judge, I just --

22 THE COURT: Excuse me, Mr. Harding. I should ask, Ms.
23 Rhodes, do you have any issues with regard to the Presentence
24 Investigation Report?

25 MS. RHODES: Your Honor, I had just spoke with Mr.

1 Johnson on a sort of related matter to what I was just saying.
2 We do have a few items regarding Mr. Mitchell's background that
3 we'd like to provide to him still. We don't have to do that
4 right now, though. It's really directed towards BOP and not
5 toward the sentencing.

6 THE COURT: All right. Thank you.

7 MS. RHODES: And Mr. Johnson indicated that would be
8 all right with him as long as it was, you gave him permission to
9 make any changes. Of course, it would be provided to the
10 government first.

11 THE COURT: Can you quickly list what they might be?

12 MS. RHODES: Just some --

13 THE COURT: Some biographical data?

14 MS. RHODES: Right. Some information we had initially
15 garnered for mitigation purposes. A couple of incidents. We
16 don't have direct records of them so I didn't provide them to
17 him. But they're about a couple of incidents in his childhood.

18 THE COURT: All right. Mr. Johnson, thank you for your
19 report. If, when you get this information from Ms. Rhodes, if
20 it's of the sort that you think the Court needs to approve, of
21 course just send me an e-mail or a note and I'll take a quick
22 look at it, but it doesn't sound like the kind of thing that will
23 be terribly controversial.

24 All right. Thank you. Mr. Harding.

25 MR. HARDING: Judge, before the government offers two

1 victim's witness, victim family members, I do have a few minor
2 points about the PSR that I'd like to go over, even though they
3 of course make no difference. I feel it's important just for the
4 record.

5 THE COURT: Of course.

6 MR. HARDING: On Paragraph 112, Your Honor, Page 19.

7 THE COURT: Yes.

8 MR. HARDING: I think that should read the maximum term
9 of imprisonment for Count Three is 10 years.

10 THE COURT: All right. That will be corrected.

11 MR. HARDING: Also, Your Honor, and this is very minor.
12 On Paragraph 11.

13 THE COURT: Yes.

14 MR. HARDING: Third line from the bottom. I believe
15 that should say 1:15 a.m. on February 18th, 2002, not February
16 28th, 2002.

17 THE COURT: Thank you, Mr. Harding. That will be
18 corrected.

19 MR. HARDING: And on Paragraph 101, the PSR considers
20 Mr. Mitchell's handgun violation to be, it's counted toward the
21 criminal history computation even though the other convictions
22 that Mr. Mitchell have were not counted because, as it explains
23 later on, they were part of the racketeering activity. Paragraph
24 103 says that it appears all the below arrests fall within the
25 time period of the racketeering activity and they are related to

1 the conduct of the instant offenses.

2 I would have to say that the offense listed in
3 Paragraph 101 also falls within the period of racketeering
4 activity and is related to the conduct. In fact, we introduced
5 the gun as evidence in the trial. It's the gun that Mr. Mitchell
6 had when he was arrested on April 1st, 2002. And he was
7 convicted of that in state court, so we did not charge it in our
8 indictment. But we certainly considered it relevant to the
9 racketeering enterprise.

10 I notice that in Mr. Martin's PSR, his prior federal
11 handgun conviction was not counted. And so I think just for the
12 sake of symmetry, as I say, it makes no difference at all, I
13 don't think that offense should be counted. And therefore, Mr.
14 Mitchell should be in Criminal History Category One.

15 THE COURT: That seems to me to be correct, Mr.
16 Johnson. I think Mr. Harding has it quite right. The conviction
17 in Paragraph 101, like the other convictions mentioned in the
18 following paragraphs, are indeed part and parcel of the
19 racketeering conspiracy that was charged in this case. And so if
20 you'll make that change.

21 MR. JOHNSON: Yes, Your Honor.

22 THE COURT: So that Mr. Mitchell is indeed a Criminal
23 History Category One.

24 MR. HARDING: Finally, Your Honor, the final paragraph
25 of the PSR notes that we advocated a two-level increase based on

1 obstruction of justice. Mr. Johnson leaves that up to the Court
2 to decide now at sentencing. As you know, the Sentencing
3 Guideline Section 3C1.1 provides that if a defendant willfully
4 obstructed or impeded or attempted to obstruct or impede the
5 administration of justice with respect to the investigation,
6 prosecution, or sentencing of the instant offense of conviction,
7 and B, the obstructive conduct related to, one, the defendant's
8 offense of conviction and any relevant conduct or, two, a closely
9 related offense, increase the offense level by two levels.

10 I have no additional argument to make, Your Honor. I
11 think that the Court's very familiar with what the conduct is
12 that the government considers obstructive conduct. And the
13 government's position is that the Court should find that that
14 adjustment applies even though it's not going to make any
15 difference in terms of the sentence. I think it's important that
16 there be no precedent here of a court allowing the kind of
17 disturbances that went on for two years before this Court without
18 there being a finding of obstruction of justice as a result.

19 So I would argue that the Court should apply that
20 upward adjustment.

21 THE COURT: Thank you, Mr. Harding. Ms. Rhodes, do you
22 wish to be heard on that?

23 MR. HARDING: Yes, Your Honor. Our position on that
24 would be that we would request if the Court is to make that
25 finding, that it make it clear on the record that there was no

1 violence involved. In other words, because, again, this goes to
2 BOP issues, that the obstruction was not violent, because it was
3 limited to these sort of speech issues in court. It was more of
4 civil disobedience than anything like anything else.

5 THE COURT: Actually, it seems to me it was a little
6 more than that. I recall the incident, and you'll have to remind
7 me, Mr. Harding, the name of the witness from Pennsylvania.
8 There was that, there was evidence regarding an encounter here in
9 Baltimore between Mr. Mitchell and one of the sisters from
10 Pennsylvania.

11 MR. HARDING: Yes, Your Honor. It was, there were two
12 Duganne sisters, Nieisha Duganne and Marquette Duganne. The
13 agents believe it's Marquette Duganne.

14 THE COURT: It seems to me, Ms. Rhodes, that as the
15 government argued at trial and a basis for the Court's admission
16 of certain evidence was that it was reasonably interpreted as an
17 effort by Mr. Mitchell -- and you know the incident I'm referring
18 to, I think.

19 MR. HARDING: Right. Yes.

20 THE COURT: To intimidate or communicate to that
21 witness, then a potential witness, the risk involved in
22 cooperating. The comment had to do with whether Mr. Mitchell had
23 been charged with or in custody on a homicide charge which, in
24 fact, was not a truthful statement at the time. The Court found
25 that it was a statement that could reasonably be interpreted as a

1 statement to intimidate the witness.

2 MS. RHODES: Well, I think, Your Honor, also, that
3 witness' testimony was, regarding that incident was a little bit,
4 shall we say, vague in the sense that she had, it wasn't clear
5 that she was recalling correctly when this happened. She had the
6 timing wrong. In fact, the timing as she described was a time
7 when Mr. Mitchell had already been locked up.

8 THE COURT: Right. He'd been incarcerated.

9 MR. HARDING: No. I mean at that time. She was
10 saying, I believe, that it was early 2002 at a point when he was
11 already incarcerated and hasn't been released since. And she
12 indicated it was nice weather, that sort of thing. And it was
13 actually, it just, it didn't fit. So I think that undermines the
14 truthfulness of her recollection about that.

15 And I don't think it's clear, I guess the Court is
16 making a contrary finding, that it was --

17 THE COURT: Well, I'm not making a finding yet.

18 MS. RHODES: That it was for the purpose of
19 intimidation. I mean, it seemed like it was a conversation but
20 she couldn't, but clearly, she had some of her facts completely
21 wrong. So I think that undermines what she was doing. And I
22 don't think that's appropriate to consider at this point in terms
23 of whether or not there was any violence involved in the
24 obstruction because I think the government put most of their eggs
25 in the basket of what was happening in court in terms of playing

1 the tapes and that sort of thing.

2 I also don't want to concede that we're saying that
3 there was obstruction. Just generally for purposes of that, if
4 that's the Court's finding, then we would also ask this aspect of
5 the non-violence.

6 THE COURT: All right. In that light, I won't, I will
7 not make a finding on Ms. Duganne's testimony with respect to the
8 adjustment for obstruction. But I agree with the government that
9 Mr. Mitchell's role, which certainly seemed to the Court to be a
10 leadership role, in the repeated disruptions of courtroom
11 proceedings, outbursts, and interruptions of the Court's attempt
12 to conduct orderly hearings and proceedings, easily satisfy the
13 standards under the guidelines for an obstruction of justice
14 enhancement. And obviously, the government is correct that it
15 will have no impact on the sentence.

16 The Court believes it is indeed appropriate to make the
17 finding, as the Court now does, by clear and convincing evidence,
18 as plainly revealed in the record of these proceedings, that Mr.
19 Mitchell acted willfully, without justification, and not in good
20 faith, to impede and obstruct these proceedings, and to disrupt
21 the orderly progress of the case.

22 So therefore, the final offense level in this
23 proceeding is Offense Level 50 and Criminal History Category 1.

24 All right. Mr. Harding, you may call your witnesses.

25 MR. HARDING: Yes, Your Honor. We have three family

1 members here today, two of whom would like to address the Court.

2 THE COURT: Yeah. I said witnesses but, obviously, if
3 they wish to take the stand and testify under oath, that's
4 perfectly appropriate. On the other hand, if they wish simply to
5 come into the well of the Court and address the Court, that's
6 equally permissible.

7 MR. HARDING: I suspect they would be comfortable just
8 coming into the well of the court and addressing the Court
9 informally, if that's permissible, Your Honor.

10 THE COURT: Yes.

11 MR. HARDING: The first one is Myrtle Williams, the
12 mother of Lisa Brown, Your Honor.

13 THE COURT: Ms. Williams, if you'll step forward.
14 Perhaps if you can move the microphone over, Mr. Hanlon. Thank
15 you.

16 MS. WILLIAMS: I just want to say good morning to
17 everyone.

18 THE COURT: Would you be more comfortable if you were
19 seated, Ms. Williams? Thank you, Agent.

20 MS. WILLIAMS: Again, I say good morning. My name is
21 Myrtle Williams. And it's ironic that it has been seven years to
22 the day that my daughter was killed. It has changed all of our
23 lives drastically.

24 I am a grandmother and now I'm a mother attending PTA
25 meetings and making sure homework is done and making sure I'm

1 home in time for my granddaughter, that she won't be there alone.

2 So, of course, it has changed our lives and it has
3 changed my life. I'm retired and now I'm back it to work because
4 I've become, again, the mother, the babysitter, the caregiver.
5 And not only for one grandchild, but for three. And each day,
6 you know, that I'm with them, especially Shalay Battle, who's
7 here today. She talks about missing her mother.

8 As a matter of fact, we were sitting in the room before
9 this trial started and we began to reminisce about her last
10 birthday, ten years old, when her mother was there, to help
11 tie-dye shirts for the girls that spent the night. She had a
12 sleep-over. And the time she spent with her mother, you never
13 know when the last time is of life. But it's important for me to
14 value each day that I have with my grandchildren and with my
15 loved ones because we never know when it is our last day. The
16 bible says that our days are numbered. So for each day, I thank
17 God for those days.

18 I'm going to read part of my statement.

19 Psalms 127:3 says: Behold, children are a heritage
20 from the Lord. The fruit of the womb is a reward.

21 And Lisa really was my friend, my partner. And we
22 confided in each other. We sent e-mails to each other. I still
23 have some of the e-mails that she sent to me because of the
24 correspondence that we dealt with. When we couldn't talk to each
25 other, we e-mailed each other.

1 As a parent, I never dreamed I would bury my
2 28-year-old daughter. And February 28th was her last day. She
3 died on the 28th and she was 28-years-old. I expected her to
4 outlive me and to bury me.

5 Lisa and I would often joke about her caring for her
6 dad and myself once we were too old to take care of ourselves.
7 She would always tell us that she was going to put us on the 17th
8 floor of a high rise senior citizens building, which always
9 stirred up laughter between us. What a disappointment it has
10 been since she will not be able to care for us. Instead, we had
11 to bury her. And we are now helping to raise and care for her
12 children, which has changed our lives tremendously.

13 I remember my husband and I during the time when she
14 died, setting up arrangements, because our anniversary was March
15 2nd, which is upcoming on Monday. And on that day, we were
16 making funeral arrangements, which was very difficult and still
17 is difficult today.

18 I attended numerous days of trial from September 15th
19 through December 8th, which was the day that the jury, you know,
20 sent a verdict, and never once heard anything negative about my
21 daughter, Lisa Brown, except that she was at the wrong place at
22 the wrong time.

23 What I did hear was about four men who thought very
24 selfishly about what they wanted to do with their lives, and
25 their desire to become well known by promoting their own rap

1 music, selling drugs, robbery and, ultimately, murder, to gain
2 what they believed was monetarily stability for their own
3 personal gain. It didn't matter to them whose lives were
4 jeopardized. Neither did it take, neither did they take into
5 consideration the effects of their selfish acts and their
6 decisions.

7 During this trial, there appeared to be no sorrow, no
8 regret. No remorse was displayed in their demeanor for the
9 crimes that they committed.

10 Lisa Brown was not involved in any of these crimes, nor
11 was she guilty, nor was any of the crimes mentioned that she was
12 guilty of. What she was guilty of was her association. That
13 ultimately cost her her life. She made a decision, never
14 realizing this would be her last and her final decision.

15 Lisa was the mother of three beautiful children.
16 Shalay, who is 16, Joshonee is 14, and Damien, who is now 10.
17 She worked a full-time job and she provided for her children.

18 She was outgoing and she was well loved by many people
19 who knew her. She had a wonderful sense of humor and always
20 seemed to be the life of a party. Lisa's presence at family
21 gatherings were always welcome because she seemed to bring fun
22 and laughter with her.

23 Shalay is the oldest girl. She has some emotional
24 problems coping with her mother's death. At the age of ten,
25 Shalay was fine. Of course, she lost her mom. But two years

1 later she was diagnosed with having bipolar. And today, Shalay
2 has to take medication twice a day. She has numerous doctors'
3 appointments. She had to go to a special school for her needs
4 because the mainstream schools could not handle her ups and
5 downs. And that has been, you know, I'll say a problem, but
6 somebody had to deal with my granddaughter's emotional needs, and
7 I thank God that I was in place to do that. But not all kids
8 are, you know, in positions where somebody can really help them
9 through transitions, as Shalay has gone through.

10 I'd just like to let you know that people that suffer
11 with a bipolar disorder tend to experience extreme mood swings,
12 along with specific symptoms and behavioral problems, which
13 Shalay has. These mood swings are episodes and can take three
14 forms of emotions -- manic, depressive, and also mixed episodes.
15 And there's many times Shalay misses her mom and says she wants
16 to be with her mother. And I explain to her, of course, there's
17 only one way. But I leave that Lisa came to know the Lord Jesus
18 Christ as her personal savior.

19 I believe that one day, Shalay, my family and all that
20 knew her, that knows Christ, will see Lisa again. That's what I
21 reassure Shalay, that we will see her again. They took her life.
22 Yes, they took her life, but we will see her again.

23 And who gives any of us the right to take another
24 person's life? Who are we to decide how long another person will
25 live, disrupting and changing people's lives forever?

1 Ultimately, it is God that gives life. It is he that has
2 numbered our days.

3 I hope these men will pray and ask for forgiveness for
4 the hurt, for the pain that they have caused so many others. My
5 hope, also, is that they will spend the rest of their lives
6 behind prison bars without parole so that they will never be able
7 to hurt or take another innocent person's life.

8 And finally -- I could turn the page. This is just a
9 statement that I heard someone say. Time has a way of making the
10 pain less intense and it doesn't hurt as much as it used to.
11 Tears come less often but they still come. But there's a hole in
12 my heart that is still there and will always be. Lisa was my
13 daughter, my only daughter, as well as my friend. Lisa is truly
14 missed. And she will always be. And I wrote "respectfully
15 submitted, Lisa's mother, Myrtle Williams."

16 And at this time I just wanted to thank, too, the
17 prosecution attorneys for a job that I believe was well done.
18 They proved their case to me beyond a reasonable doubt.

19 Mr. Harding, I thank you. Mr. Hanlon, thank you for an
20 outstanding job. Keith Benson, thank you. And Mr. Brian Klas, I
21 thank you.

22 I sat here and I heard and I saw and I just thank God
23 for the time spent. It's been six years since my daughter had
24 passed. But I thank God that the State did not give up, that it
25 just wasn't a lost file. I thank God that the people, the

1 perpetrators that killed my daughter was caught. And again, I
2 pray that they never take another's life. And I pray for the
3 maximum amount that can be given to a person as far as sentencing
4 is concerned because lives are valuable. And if we don't take
5 those things, we can't take those things for granted. And if we
6 have people on the street that don't value lives, perhaps they
7 should not be on the street.

8 So again, I thank you for the time spent and for
9 proving a case that I thought was well done. Thank you.

10 THE COURT: Ms. Williams, thank you very much. Thank
11 you for your statement. Thank you for your strength. And I know
12 that you will be very strong for those children. I'm very, very
13 happy that you're here for them.

14 MS. WILLIAMS: And thank you, too, Judge.

15 THE COURT: Thank you.

16 MR. HARDING: If I may have just one moment, Your
17 Honor.

18 THE COURT: Yes.

19 (Pause in Proceedings.)

20 MR. HARDING: Your Honor, the aunt of Oliver McCaffity
21 is here, too, Ann Clark. However, she does not feel she wants to
22 address the Court at this time. So that completes the
23 presentation of the government's victims' witnesses.

24 THE COURT: All right. Thank you for being here,
25 ma'am. I'll hear from the government and then I'll be happy to

1 hear from the defense.

2 MR. HARDING: Judge, there's nothing that the
3 government can add to what's already on the record in this case.
4 The government believes that the sentences are mandated by law in
5 many cases. The Court has no discretion to give anything other
6 than a life sentence on at least four counts. And the guidelines
7 dictate a life sentence on many of the other counts.

8 I don't feel it's necessary to add anything more. The
9 Court's probably more familiar with this case than any other case
10 it's had in recent years. So I'm simply going to sit down, Your
11 Honor.

12 THE COURT: Thank you, Mr. Harding. Ms. Rhodes.

13 MS. RHODES: Thank you, Your Honor. In light of what
14 Mr. Harding has just said in terms of the mandatory life
15 sentences on several counts, we have not prepared any extensive
16 presentation for the Court. I simply want to say that if there
17 is, I know the Supreme Court is considering the Boyle case. If
18 there is by any chance either a new trial or a new sentencing
19 hearing in that, we would, of course, want to reserve the right
20 to present additional materials.

21 Mr. Mitchell would like the Court to consider
22 recommending that he be placed near his, near his home here in
23 Maryland, which would be either at Lewisburg or Allenwood
24 penitentiaries. And I believe he would like to address the
25 Court, and Mr. Lawlor would as well.

1 THE COURT: Thank you Ms. Rhodes. Mr. Lawlor.

2 MR. LAWLOR: Thank you, Your Honor. Your Honor, what I
3 have to say is not directly on point about this case but I feel
4 sort of compelled to say this. And I hope the Court won't be
5 offended by what I'm about to say, nor the prosecution will not.

6 THE COURT: I'm sure the Court will not be offended,
7 Mr. Lawlor.

8 MR. LAWLOR: Something struck me during the course of
9 this trial and struck me subsequent to this trial, that I believe
10 it was in the middle of this trial that the federal government
11 decided to bail out AIG, and I believe it was to the tune of
12 about 160 billion dollars. And since then, the government has,
13 Congress has passed and the president has signed a trillion
14 dollar economic recovery, stimulus package.

15 We used to sit around as defense lawyers, and I'm sure
16 the prosecution has, and I'm sure Your Honor has as well. Before
17 these events, those amounts of money have been spent or are being
18 spent, it used to dawn on me that we spend a lot of money in this
19 building for the salaries of the prosecution and the police and
20 for Your Honor and for the CJA fund. I always wondered why we
21 didn't carve out some of that money and spend it on the public
22 school system in this city.

23 I won't talk about society at large because events in
24 this case occurred in the city. And we're all too familiar with
25 the murder rate and the unemployment rate and the massive amounts

1 of drug abuse and, therefore, drug distribution that occurs in
2 the city. And I always wondered why, you know, we didn't take
3 some of that money and spend it on preventing these types of
4 crimes. Because I, you know, you could say, well, this doesn't
5 matter about Mr. Mitchell, Mr. Mitchell's just a bad seed. And I
6 don't believe that. But these are egregious things that he's
7 been convicted of. It's a tragedy.

8 You know, Mr. Mitchell's fate is sealed at least so far
9 as today's proceedings go until maybe, what I'm saying, no one's
10 saying, well, I don't care about Mr. Mitchell.

11 We just heard from Ms. Williams, who said things more
12 profoundly than anything I can say. So if my comments don't
13 reflect at all on Mr. Mitchell, then they reflect on Ms. Brown
14 and Mr. McCaffity and the Wyche brothers and our obligation as a
15 society to see that not only do people like Mr. Mitchell and the
16 other defendants in this case, you know, they'll be replaced by
17 other young men who come up in a city that doesn't seem, the
18 society doesn't care, seem to care about the violence that
19 perpetuates itself in the city. I don't understand why we don't
20 care about that.

21 If we don't care why Mr. Mitchell is a bad seed or Mr.
22 Gardner or the other defendants in this case are bad seeds, not
23 every defendant is. And the reality is that there are going to
24 be more defendants like them and, worse still, more victims like
25 Ms. Brown.

1 Thank God for Ms. Williams, that she's there for her
2 grandchildren. I mean that sincerely. When I'm at these
3 proceedings, at the end of trial I cry for the defendants in
4 these cases because I spent time with them and I grow to care
5 about Mr. Mitchell and all the defendants that I represent. And
6 when I leave here today, I'll cry over the weekend for the
7 victims in this case because that's the true tragedy here.

8 And it just strikes me, again, the events, that AIG got
9 bailed out in the middle of this trial, I thought it was ironic
10 that we're now about to spend a trillion dollars on economic
11 recovery. What we're going to do, we're going to give hundreds
12 of billions of dollars to bankers and insurance people, which is
13 amazing to me.

14 And there are -- forget Mr. Mitchell. There are
15 five-year-old children in this city that deserve better than what
16 they're being provided for. And they'll come up and maybe they
17 won't kill people, but they'll fall into the cycle of drug
18 distribution and other crimes. And I just think that's a real
19 shame. And I hope the Court will forgive me if the Court thinks
20 that the comments I'm making are inappropriate in this forum.
21 I'm not a policy person. I'm just a guy in the trenches and
22 these are my observations about the things that I see based on
23 the line of work, and what we all see.

24 So I genuinely apologize to the prosecution and to the
25 Court if this is an inappropriate forum to make these comments.

1 But I think someone needs to say them and I think someone a lot
2 smarter than I should find the stimulus package for this city
3 because it's a crisis. We don't just have an economic crisis.
4 We have a drug crisis. We have a crime crisis. We have a
5 violence crisis. And we have a murder crisis. And to me, that's
6 a lot more important. Bailing out this city is a lot more
7 important than bailing out any bank or any insurance company.

8 THE COURT: Thank you, Mr. Lawlor. No apology is
9 necessary. I've said it before and I want to say now, perhaps
10 for not the last time, the Court wants to express its profound
11 gratitude to you, Ms. Rhodes, and particularly to you, Mr.
12 Lawlor, who stepped into the case long after it had begun. Each
13 of you responded to the call that is made to every lawyer to
14 provide service to the Court, to the community, and in
15 particular, to your individual defendant in serious criminal
16 charges. And each of you conducted yourselves and comported
17 yourselves in the highest traditions of the bar.

18 Mr. Mitchell, you have the opportunity now before the
19 Court imposes sentence to address the Court. You're not required
20 to speak but the Court will hear whatever you wish to say.

21 THE DEFENDANT: I, Willie Edward Mitchell, sentient,
22 moral being, would like to accept this case, AMD-04-0029, in its
23 entirety for value. The jury selection, both attorneys, Laura
24 Rhodes, Michael Lawlor, jury's guilty verdict, all motions filed,
25 the Presentence Report done by Timothy Johnson, approved by

1 Reginald Morrison, and I would like to return all said offers for
2 value. I would also like to accept the sentence that I'm about
3 to be handed down from you, and I would like to return that for
4 value for closure, settlement of the accounts.

5 I do not wish to argue the facts. I request the Court
6 issue me an appearance bond, waive all public costs, request the
7 court close the account, release the order of court to me
8 immediately, request the Court set off and adjust all public
9 charges by the exemption in accord with the Uniform Commercial
10 Code 3-419, House Joint Resolution 192, Public Law 73-10. I
11 request immediate discharge.

12 THE COURT: Mr. Mitchell, you are certainly a sentient
13 being, but you are not remotely a moral being. You are one of
14 the most amoral individuals that the Court has encountered in the
15 more than 21 years that I've been doing this.

16 It was particularly odious when a few minutes ago, as
17 Ms. Williams sat there making her statement, for you to turn
18 around and grin and exchange greetings with your associates who
19 entered the courtroom. That little incident, trivial compared to
20 all the other things you've done, really, really shows what you
21 are.

22 I often say to people in your position that the system
23 failed him, the schools failed him, his family failed him. If I
24 said that to you, it would be totally untrue. You, unlike so
25 many others, had opportunities thrown at you, laid before you,

1 forced it on you, not just by Coach Lynch, by many people in your
2 life.

3 I happen to know people who work at Hickey and I happen
4 to know that a lot of people at Hickey thought you would be
5 different. They had a lot of hope for you. They really, really
6 believed that you were going to live a positive, productive life.

7 You had opportunities that people cry out for. You
8 didn't have a stimulus package. You had people who cared about
9 you, who saw your potential, and who did everything they could to
10 help you make good decisions. You are bright, you are
11 articulate, you're smart, you're a natural born leader. And you
12 chose what you did. No morality anywhere around that. Not at
13 all.

14 The Court imposes the following sentence. On Counts 1,
15 2, 4, 6, 8, 11, 12, 13 and 14 of the superseding indictment, the
16 defendant is sentenced to life imprisonment without parole; those
17 sentences to be served concurrently.

18 On Count 3, the defendant is sentenced to 120 months to
19 be served concurrently with the prior sentences.

20 On Count 9, the defendant is sentenced to the custody
21 of the Bureau of Prisons for ten years, that sentence to be
22 served consecutively to the sentences imposed on the other
23 counts.

24 On Count 10, the defendant is sentenced to 25 years, to
25 be served consecutively to the sentence imposed on Count 9 and

1 consecutively to the sentences imposed on the prior counts.

2 On Count 12, the defendant is sentenced to 25 years, to
3 be served consecutively to the sentences imposed on Counts 9 and
4 10, and consecutively to the sentences imposed on the prior
5 counts.

6 The Court imposes the total sentence of life plus 60
7 years to be served consecutively. Supervised release is to be
8 for five years or three years as appropriate as to each count,
9 for a total period of five years concurrent.

10 The fine is waived. The special assessment for each
11 count is to be paid immediately. And that's a total \$1300.

12 Mr. Mitchell, your lawyer has asked the Court make a
13 recommendation to the Bureau of Prisons so that you can be as
14 near as possible to Baltimore City. The Court declines to make
15 that recommendation. I leave it to the Bureau of Prisons to
16 decide in its full discretion where you should be housed for the
17 rest of your life.

18 Mr. Mitchell, you have ten days from the entry of
19 judgment in this case, which I expect to be today, within which
20 to file a notice of appeal to the United States Court of Appeals
21 for the Fourth Circuit. I know that Mr. Lawlor and Ms. Rhodes
22 will see to it that that procedural requirement is satisfied.

23 I want to commend the counsel for their handling, the
24 counsel for the government, for their handling of this very
25 difficult prosecution. We're in recess.

(Conclusion of Proceedings at 11:40 a.m.)

REPORTER'S CERTIFICATE

I, Mary M. Zajac, do hereby certify that I recorded stenographically the proceedings in the matter of USA v. Willie Mitchell, Case Number(s) AMD-04-029, on February 27, 2009.

I further certify that the foregoing pages constitute the official transcript of proceedings as transcribed by me to the within matter in a complete and accurate manner.

In Witness Whereof, I have hereunto affixed my
signature this _____ day of _____, 2009.

Mary M. Zajac,
Official Court Reporter

\$	4	age [1] - 13:24 Agent [1] - 10:19 agents [1] - 7:13 ago [1] - 22:16 agree [1] - 9:8 AIG [2] - 18:11, 20:8 Allenwood [1] - 17:23 allowing [1] - 6:16 alone [1] - 11:1 amazing [1] - 20:13 AMD-04-0029 [2] - 2:3, 21:22 AMD-04-029 [2] - 1:6, 26:5 AMERICA [1] - 1:4 amoral [1] - 22:14 amount [1] - 16:3 amounts [2] - 18:17, 18:25 Andre [1] - 1:12 Ann [1] - 16:21 anniversary [1] - 12:14 another's [1] - 16:2 apologize [1] - 20:24 apology [1] - 21:8 appeal [1] - 24:20 Appeals [1] - 24:20 appearance [1] - 22:6 Appearances [1] - 1:15 appeared [1] - 13:7 applies [1] - 6:14 apply [1] - 6:19 appointments [1] - 14:3 appropriate [4] - 8:22, 9:16, 10:4, 24:8 approve [1] - 3:20 approved [1] - 21:25 April [1] - 5:6 argue [2] - 6:19, 22:5 argued [1] - 7:15 argument [1] - 6:10 arrangements [2] - 12:14, 12:16 arrested [1] - 5:6 arrests [1] - 4:24 articulate [1] - 23:11 aspect [1] - 9:4 assessment [1] - 24:10 associates [1] - 22:18 association [1] - 13:12 attempt [1] - 9:11 attempted [1] - 6:4 attended [1] - 12:18 attending [1] - 10:24 attorneys [2] - 15:17, 21:23 aunt [1] - 16:20	B	bury [3] - 12:1, 12:4, 12:11
\$1300 [1] - 24:11	4 [1] - 23:15			C
1	5			
<p>1 [2] - 9:23, 23:14 10 [4] - 4:9, 13:16, 23:24, 24:4 101 [4] - 1:24, 4:19, 5:3, 5:17 103 [1] - 4:24 11 [2] - 4:12, 23:15 112 [1] - 4:6 11:03 [1] - 2:1 11:40 [1] - 25:1 12 [2] - 23:15, 24:2 120 [1] - 23:18 127:3 [1] - 11:19 13 [1] - 23:15 14 [2] - 13:16, 23:15 15th [1] - 12:18 16 [1] - 13:16 160 [1] - 18:12 17th [1] - 12:7 18th [1] - 4:15 19 [1] - 4:6 192 [1] - 22:10 1:15 [1] - 4:15 1st [1] - 5:6</p>	<p>50 [1] - 9:23 5515 [1] - 1:23</p> <p>6</p> <p>6 [1] - 23:15 60 [1] - 24:6</p> <p>7</p> <p>73-10 [1] - 22:10</p> <p>8</p> <p>8 [1] - 23:15 8th [1] - 12:19</p> <p>9</p> <p>9 [3] - 23:20, 23:25, 24:3</p>		<p>babysitter [1] - 11:4 background [1] - 3:2 bad [3] - 19:5, 19:21, 19:22 bail [1] - 18:11 bailed [1] - 20:9 Bailing [1] - 21:6 bailing [1] - 21:7 Baltimore [4] - 1:11, 1:24, 7:9, 24:14 bank [1] - 21:7 bankers [1] - 20:12 bar [1] - 21:17 bars [1] - 15:6 based [2] - 5:25, 20:22 basis [1] - 7:15 basket [1] - 8:25 Battle [1] - 11:6 beautiful [1] - 13:15 become [2] - 11:4, 12:25 began [1] - 11:9 begun [1] - 21:12 Behalf [2] - 1:16, 1:18 behavioral [1] - 14:12 behind [1] - 15:6 Behold [1] - 11:19 believes [2] - 9:16, 17:4 below [1] - 4:24 Benson [1] - 15:20 better [1] - 20:15 between [2] - 7:9, 12:9 beyond [1] - 15:18 bible [1] - 11:16 billion [1] - 18:12 billions [1] - 20:12 biographical [1] - 3:13 bipolar [2] - 14:1, 14:11 birthday [1] - 11:10 bit [1] - 8:3 bond [1] - 22:6 BOP [2] - 3:4, 7:2 born [1] - 23:11 bottom [1] - 4:14 Boyle [1] - 17:17 Brian [1] - 15:20 bright [1] - 23:10 bring [1] - 13:21 brothers [1] - 19:14 Brown [5] - 10:12, 12:21, 13:10, 19:13, 19:25 building [2] - 12:8, 18:19 Bureau [3] - 23:21, 24:13, 24:15</p>	<p>care [9] - 12:6, 12:10, 12:11, 19:10, 19:18, 19:20, 19:21, 20:4 cared [1] - 23:8 caregiver [1] - 11:4 caring [1] - 12:5 carve [1] - 18:21 CASE [1] - 1:5 case [16] - 5:19, 9:21, 15:18, 16:9, 17:3, 17:9, 17:17, 18:3, 18:24, 19:16, 19:22, 20:7, 21:12, 21:22, 24:19 Case [1] - 26:5 cases [2] - 17:5, 20:4 Category [3] - 5:14, 5:23, 9:23 caught [1] - 16:1 caused [1] - 15:4 certain [1] - 7:16 certainly [3] - 5:8, 9:9, 22:12 CERTIFICATE [1] - 26:1 certify [2] - 26:3, 26:6 chance [1] - 17:18 change [1] - 5:20 changed [4] - 10:22, 11:2, 11:3, 12:12 changes [1] - 3:9 changing [1] - 14:25 charge [2] - 5:7, 7:23 charged [2] - 5:19, 7:23 charges [2] - 21:16, 22:9 childhood [1] - 3:17 children [6] - 11:19, 12:12, 13:15, 13:17, 16:12, 20:15 chose [1] - 23:12 Christ [2] - 14:18, 14:20 Circuit [1] - 24:21 citizens [1] - 12:8 city [8] - 18:22, 18:24, 19:2, 19:17, 19:19, 20:15, 21:2, 21:6 City [1] - 24:14 civil [1] - 7:4 CJA [1] - 18:20 Clark [1] - 16:21 clear [4] - 6:25, 8:4, 8:15, 9:17 clearly [1] - 8:20 client [1] - 2:8 close [1] - 22:7</p>
2	A			
<p>2 [1] - 23:15 2002 [4] - 4:15, 4:16, 5:6, 8:10 2009 [3] - 1:10, 26:5, 26:10 21 [1] - 22:15 21201 [1] - 1:24 25 [2] - 23:24, 24:2 27 [2] - 1:10, 26:5 28-year-old [1] - 12:2 28-years-old [1] - 12:3 28th [3] - 4:16, 12:2, 12:3 2nd [1] - 12:15</p>	<p>a.m [3] - 2:1, 4:15, 25:1 able [2] - 12:10, 15:6 abuse [1] - 19:1 accept [2] - 21:22, 22:2 accord [1] - 22:9 account [1] - 22:7 accounts [1] - 22:4 accurate [1] - 26:8 acted [1] - 9:19 activity [3] - 4:23, 4:25, 5:4 acts [1] - 13:5 add [2] - 17:3, 17:8 additional [2] - 6:10, 17:20 address [5] - 10:1, 10:5, 16:22, 17:24, 21:19 addressing [1] - 10:8 adjust [1] - 22:8 adjustment [3] - 6:14, 6:20, 9:8 administration [1] - 6:5 admission [1] - 7:15 advocated [1] - 5:25 affixed [1] - 26:9</p>			
3				
<p>3 [1] - 23:18 3-419 [1] - 22:10 3C1.1 [1] - 6:3</p>				

<p>closely [1] - 6:8 closure [1] - 22:4 Coach [1] - 23:1 Code [1] - 22:10 comfortable [2] - 10:7, 10:18 coming [1] - 10:8 commend [1] - 24:23 comment [1] - 7:22 comments [3] - 19:12, 20:20, 20:25 Commercial [1] - 22:9 committed [1] - 13:9 communicate [1] - 7:20 community [1] - 21:14 company [1] - 21:7 compared [1] - 22:19 compelled [1] - 18:4 complete [1] - 26:8 completely [1] - 8:20 completes [1] - 16:22 comported [1] - 21:16 computation [1] - 4:21 concede [1] - 9:2 concerned [1] - 16:4 Conclusion [1] - 25:1 concurrent [1] - 24:9 concurrently [2] - 23:17, 23:19 conduct [7] - 5:1, 5:4, 6:7, 6:8, 6:11, 6:12, 9:12 conducted [1] - 21:16 confided [1] - 11:22 Congress [1] - 18:13 consecutively [6] - 23:22, 23:25, 24:1, 24:3, 24:4, 24:7 consider [2] - 8:22, 17:21 consideration [1] - 13:5 considered [1] - 5:8 considering [1] - 17:17 considers [2] - 4:19, 6:12 conspiracy [1] - 5:19 constitute [1] - 26:6 continue [1] - 2:18 contrary [1] - 8:16 controversial [1] - 3:23 conversation [1] - 8:19 convicted [2] - 5:7, 19:7 conviction [4] - 5:11, 5:16, 6:6, 6:8 convictions [2] - 4:21, 5:17 convincing [1] - 9:17 cooperating [1] - 7:22 coping [1] - 13:24 correct [2] - 5:15, 9:14</p>	<p>corrected [2] - 4:10, 4:18 correctly [1] - 8:5 correspondence [1] - 11:24 cost [1] - 13:13 costs [1] - 22:6 counsel [2] - 24:23, 24:24 Count [6] - 4:9, 23:18, 23:20, 23:24, 23:25, 24:2 count [2] - 24:8, 24:11 counted [4] - 4:20, 4:22, 5:11, 5:13 counts [6] - 17:6, 17:7, 17:15, 23:23, 24:1, 24:5 Counts [2] - 23:14, 24:3 couple [2] - 3:15, 3:17 course [9] - 3:9, 3:21, 4:3, 4:5, 11:2, 13:25, 14:16, 17:19, 18:8 COURT [37] - 1:1, 2:5, 2:8, 2:17, 2:19, 2:22, 3:6, 3:11, 3:13, 3:18, 4:5, 4:7, 4:10, 4:13, 4:17, 5:15, 5:22, 6:21, 7:5, 7:14, 7:20, 8:8, 8:17, 9:6, 10:2, 10:10, 10:13, 10:18, 16:10, 16:15, 16:18, 16:24, 17:12, 18:1, 18:6, 21:8, 22:12 Court [40] - 3:20, 6:1, 6:13, 6:17, 6:19, 6:24, 7:24, 8:15, 9:9, 9:16, 9:17, 10:1, 10:5, 10:8, 16:22, 17:5, 17:16, 17:17, 17:21, 17:25, 18:4, 18:6, 20:19, 20:25, 21:10, 21:14, 21:19, 21:20, 22:5, 22:8, 22:14, 23:14, 24:6, 24:12, 24:14, 24:20, 26:15 court [7] - 5:7, 6:16, 7:3, 8:25, 10:8, 22:7 Court's [5] - 6:11, 7:15, 9:4, 9:11, 17:9 Courthouse [1] - 1:23 courtroom [2] - 9:10, 22:19 crime [1] - 21:4 crimes [5] - 13:9, 13:10, 13:11, 19:4, 20:18 criminal [2] - 4:21, 21:15 CRIMINAL [1] - 1:5 Criminal [3] - 5:14, 5:22, 9:23 crisis [6] - 21:3, 21:4, 21:5</p>	<p>cry [3] - 20:3, 20:6, 23:7 custody [2] - 7:23, 23:20 cycle [1] - 20:17</p> <p style="text-align: center;">D</p> <p>dad [1] - 12:6 Damien [1] - 13:16 data [1] - 3:13 daughter [7] - 10:22, 12:2, 12:21, 15:13, 15:23, 16:1 Davis [1] - 1:12 dawn [1] - 18:18 days [5] - 11:16, 11:17, 12:18, 15:2, 24:18 deal [1] - 14:6 dealt [1] - 11:24 death [1] - 13:24 December [1] - 12:19 decide [3] - 6:2, 14:24, 24:16 decided [1] - 18:11 decision [2] - 13:13, 13:14 decisions [2] - 13:6, 23:10 declines [1] - 24:14 defendant [8] - 6:3, 19:23, 21:15, 23:16, 23:18, 23:20, 23:24, 24:2 DEFENDANT [1] - 21:21 Defendant [2] - 1:7, 1:18 defendant's [1] - 6:7 defendants [5] - 19:16, 19:22, 19:24, 20:3, 20:5 defense [2] - 17:1, 18:15 demeanor [1] - 13:8 depressive [1] - 14:14 described [1] - 8:6 deserve [1] - 20:15 desire [1] - 12:25 diagnosed [1] - 14:1 dictate [1] - 17:7 died [2] - 12:3, 12:14 difference [3] - 4:3, 5:12, 6:15 different [1] - 23:5 difficult [3] - 12:16, 12:17, 24:25 direct [1] - 3:16 directed [1] - 3:4 directly [1] - 18:3 disappointment [1] - 12:9</p>	<p>discharge [1] - 22:11 discretion [2] - 17:5, 24:16 disobedience [1] - 7:4 disorder [1] - 14:11 displayed [1] - 13:8 disrupt [1] - 9:20 disrupting [1] - 14:25 disruptions [1] - 9:10 distribution [2] - 19:1, 20:18 DISTRICT [2] - 1:1, 1:1 disturbances [1] - 6:17 DIVISION [1] - 1:2 Docket [1] - 2:3 doctors' [1] - 14:2 dollar [1] - 18:14 dollars [3] - 18:12, 20:10, 20:12 done [5] - 10:25, 15:17, 16:9, 21:25, 22:20 doubt [1] - 15:18 down [2] - 17:10, 22:3 downs [1] - 14:5 drastically [1] - 10:23 dreamed [1] - 12:1 drug [4] - 19:1, 20:17, 21:4 drugs [1] - 13:1 Duganne [4] - 7:12, 7:13 Duganne's [1] - 9:7 During [1] - 13:7 during [2] - 12:13, 18:8 dye [1] - 11:11</p> <p style="text-align: center;">E</p> <p>e-mail [1] - 3:21 e-mailed [1] - 11:25 e-mails [2] - 11:22, 11:23 early [1] - 8:10 easily [1] - 9:12 economic [3] - 18:14, 20:10, 21:3 Edward [1] - 21:21 effects [1] - 13:5 effort [1] - 7:17 eggs [1] - 8:24 egregious [1] - 19:6 either [2] - 17:18, 17:23 emotional [2] - 13:23, 14:6 emotions [1] - 14:14 encounter [1] - 7:8 encountered [1] - 22:14 end [1] - 20:3 enhancement [1] - 9:14</p>	<p>entered [1] - 22:19 enterprise [1] - 5:9 entirety [1] - 21:23 entry [1] - 24:18 episodes [2] - 14:13, 14:14 equally [1] - 10:6 especially [1] - 11:6 Esquire [3] - 1:16, 1:18, 1:19 events [3] - 18:17, 18:23, 20:8 evidence [4] - 5:5, 7:8, 7:16, 9:17 except [1] - 12:21 exchange [1] - 22:18 Excuse [1] - 2:22 exemption [1] - 22:9 expect [1] - 24:19 expected [1] - 12:3 experience [1] - 14:11 explain [1] - 14:16 explains [1] - 4:22 express [1] - 21:10 extensive [1] - 17:15 extreme [1] - 14:11</p> <p style="text-align: center;">F</p> <p>fact [4] - 5:4, 7:24, 8:6, 11:8 facts [2] - 8:20, 22:5 failed [3] - 22:23 faith [1] - 9:20 fall [2] - 4:24, 20:17 falls [1] - 5:3 familiar [3] - 6:11, 17:9, 18:24 family [5] - 4:1, 9:25, 13:20, 14:19, 22:23 far [2] - 16:3, 19:8 fate [1] - 19:8 February [5] - 1:10, 4:15, 12:2, 26:5 federal [2] - 5:10, 18:10 few [3] - 3:2, 4:1, 22:16 file [2] - 15:25, 24:20 filed [1] - 21:24 final [3] - 5:24, 9:22, 13:14 finally [1] - 15:8 Finally [1] - 5:24 fine [2] - 13:25, 24:10 finishing [1] - 2:15 first [3] - 2:20, 3:10, 10:11 fit [1] - 8:13 five [3] - 20:15, 24:8, 24:9</p>
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five-year-old [1] - 20:15 floor [1] - 12:8 following [2] - 5:18, 23:14 FOR [1] - 1:1 forced [1] - 23:1 foregoing [1] - 26:6 forever [1] - 14:25 forget [1] - 20:14 forgive [1] - 20:19 forgiveness [1] - 15:3 forms [1] - 14:14 forum [2] - 20:20, 20:25 forward [1] - 10:13 four [2] - 12:23, 17:6 Fourth [1] - 24:21 Friday [1] - 1:10 friend [2] - 11:21, 15:13 fruit [1] - 11:20 full [2] - 13:17, 24:16 full-time [1] - 13:17 fun [1] - 13:21 fund [1] - 18:20 funeral [1] - 12:16	grin [1] - 22:18 grow [1] - 20:4 guess [1] - 8:15 Guideline [1] - 6:3 guidelines [2] - 9:13, 17:6 guilty [4] - 13:11, 13:12, 21:24 gun [2] - 5:5 guy [1] - 20:21	6:10, 6:23, 7:11, 8:2, 9:25, 10:9, 10:12, 16:17, 16:20, 17:11, 17:13, 18:2, 18:16, 18:20 Honorable [1] - 1:12 hope [5] - 15:3, 15:5, 18:4, 20:19, 23:5 House [1] - 22:10 housed [1] - 24:16 humor [1] - 13:19 hundreds [1] - 20:11 hurt [3] - 15:4, 15:7, 15:10 husband [1] - 12:13	7:25 interruptions [1] - 9:11 intimidate [2] - 7:20, 8:1 intimidation [1] - 8:19 introduced [1] - 5:4 investigation [1] - 6:5 Investigation [2] - 2:10, 2:24 involved [4] - 7:1, 7:21, 8:23, 13:10 ironic [2] - 10:21, 20:9 issue [1] - 22:6 issues [3] - 2:23, 7:2, 7:3 items [1] - 3:2 itself [1] - 19:19	laughter [2] - 12:9, 13:22 Laura [2] - 1:18, 21:23 law [1] - 17:4 Law [1] - 22:10 Lawlor [10] - 1:19, 2:6, 2:8, 17:25, 18:1, 18:7, 21:8, 21:12, 21:24, 24:21 LAWLOR [3] - 2:11, 18:2, 18:8 lawyer [2] - 21:13, 24:12 lawyers [1] - 18:15 leader [1] - 23:11 leadership [1] - 9:10 least [2] - 17:6, 19:8 leave [3] - 14:17, 20:6, 24:15 leaves [1] - 6:1 less [2] - 15:10, 15:11 Level [1] - 9:23 level [3] - 5:25, 6:9, 9:22 levels [1] - 6:9 Lewisburg [1] - 17:23 life [18] - 11:3, 11:13, 13:13, 13:20, 14:21, 14:22, 14:24, 15:1, 15:7, 16:2, 17:6, 17:7, 17:14, 23:2, 23:6, 23:16, 24:6, 24:17 light [2] - 9:6, 17:13 limited [1] - 7:3 line [2] - 4:14, 20:23 Lisa [10] - 10:12, 11:21, 12:5, 12:21, 13:10, 13:15, 14:17, 14:20, 15:12, 15:13 Lisa's [2] - 13:20, 15:15 list [1] - 3:11 listed [1] - 5:2 live [2] - 14:25, 23:6 lives [9] - 10:23, 11:2, 12:12, 12:24, 13:3, 14:25, 15:5, 16:4, 16:6 locked [1] - 8:7 Lombard [1] - 1:24 look [1] - 3:22 Lord [2] - 11:20, 14:17 lost [2] - 13:25, 15:25 loved [2] - 11:15, 13:18 Lynch [1] - 23:1
G	H	I	J	K
gain [2] - 13:1, 13:3 Gardner [1] - 19:22 garnered [1] - 3:15 gatherings [1] - 13:21 generally [1] - 9:3 genuinely [1] - 20:24 girl [1] - 13:23 girls [1] - 11:11 given [1] - 16:3 God [7] - 11:17, 14:7, 15:1, 15:22, 15:24, 15:25, 20:1 Government [1] - 1:16 government [14] - 2:19, 3:10, 3:25, 6:12, 7:15, 8:24, 9:8, 9:14, 16:25, 17:3, 17:4, 18:10, 18:12, 24:24 government's [2] - 6:13, 16:23 grandchild [1] - 11:5 grandchildren [2] - 11:14, 20:2 granddaughter [1] - 11:1 granddaughter's [1] - 14:6 grandmother [1] - 10:24 granted [1] - 16:5 gratitude [1] - 21:11 greetings [1] - 22:18	hand [1] - 10:4 handed [1] - 22:3 handgun [2] - 4:20, 5:11 handle [1] - 14:4 handling [2] - 24:23, 24:24 Hanlon [2] - 10:14, 15:19 happy [2] - 16:13, 16:25 Harding [12] - 1:16, 2:5, 2:22, 3:24, 4:17, 5:16, 6:21, 7:7, 9:24, 15:19, 17:12, 17:14 HARDING [19] - 2:2, 2:21, 3:25, 4:6, 4:8, 4:11, 4:14, 4:19, 5:24, 6:23, 7:11, 7:19, 8:9, 9:25, 10:7, 10:11, 16:16, 16:20, 17:2 hear [5] - 2:19, 12:23, 16:25, 17:1, 21:20 heard [5] - 6:22, 12:20, 15:9, 15:22, 19:11 hearing [1] - 17:19 hearings [1] - 9:12 heart [1] - 15:12 help [3] - 11:10, 14:8, 23:10 helping [1] - 12:11 hereby [1] - 26:3 hereunto [1] - 26:9 heritage [1] - 11:19 Hickey [2] - 23:3, 23:4 high [1] - 12:8 highest [1] - 21:17 history [1] - 4:21 History [3] - 5:14, 5:23, 9:23 hole [1] - 15:11 home [2] - 11:1, 17:22 homework [1] - 10:25 homicide [1] - 7:23 Honor [25] - 2:2, 2:7, 2:11, 2:12, 2:18, 2:25, 4:6, 4:11, 5:21, 5:24,	immediate [1] - 22:11 immediately [2] - 22:8, 24:11 impact [1] - 9:15 impede [2] - 6:4, 9:20 impeded [1] - 6:4 important [5] - 4:3, 6:15, 11:13, 21:6, 21:7 imposed [5] - 23:22, 23:25, 24:1, 24:3, 24:4 imposes [3] - 21:19, 23:14, 24:6 imprisonment [2] - 4:9, 23:16 IN [1] - 1:1 inappropriate [2] - 20:20, 20:25 incarcerated [2] - 8:8, 8:11 incident [4] - 7:6, 7:17, 8:3, 22:19 incidents [2] - 3:15, 3:17 increase [2] - 5:25, 6:9 indeed [3] - 5:18, 5:22, 9:16 indicated [3] - 2:13, 3:7, 8:12 indictment [2] - 5:8, 23:15 individual [1] - 21:15 individuals [1] - 22:14 informally [1] - 10:9 information [2] - 3:14, 3:19 innocent [1] - 15:7 instant [2] - 5:1, 6:6 Instead [1] - 12:10 insurance [2] - 20:12, 21:7 intense [1] - 15:10 interpreted [2] - 7:16,	jeopardized [1] - 13:4 Jesus [1] - 14:17 job [3] - 13:17, 15:17, 15:20 JOHNSON [1] - 5:21 Johnson [7] - 1:20, 3:1, 3:7, 3:18, 5:16, 6:1, 21:25 Joint [1] - 22:10 joke [1] - 12:5 Joshonee [1] - 13:16 Judge [5] - 1:12, 2:21, 3:25, 16:14, 17:2 judgment [1] - 24:19 jury [2] - 12:19, 21:23 jury's [1] - 21:24 justice [4] - 6:1, 6:5, 6:18, 9:13 justification [1] - 9:19	Keith [1] - 15:20 Kelsey [1] - 1:18 kids [1] - 14:7 kill [1] - 20:17 killed [2] - 10:22, 16:1 kind [2] - 3:22, 6:16 Klas [1] - 15:20 known [1] - 12:25 knows [1] - 14:20
	L	M	L	M
			laid [1] - 22:25 large [1] - 18:23 last [6] - 11:9, 11:13, 11:15, 12:2, 13:14, 21:10	ma'am [1] - 16:25 mail [1] - 3:21 mailed [1] - 11:25 mails [2] - 11:22, 11:23

<p>mainstream [1] - 14:4 mandated [1] - 17:4 mandatory [1] - 17:14 manic [1] - 14:14 manner [1] - 26:8 March [1] - 12:14 Marquetta [2] - 7:12, 7:13 Martin's [1] - 5:10 Mary [3] - 1:23, 26:3, 26:14 MARYLAND [1] - 1:1 Maryland [3] - 1:11, 1:24, 17:23 massive [1] - 18:25 materials [1] - 17:20 matter [6] - 3:1, 11:8, 13:3, 19:5, 26:4, 26:8 maximum [2] - 4:8, 16:3 McCaffity [2] - 16:20, 19:14 mean [3] - 8:9, 8:19, 20:2 medication [1] - 14:2 meetings [1] - 10:25 members [2] - 4:1, 10:1 men [3] - 12:23, 15:3, 19:17 mentioned [2] - 5:17, 13:11 met [1] - 2:14 Michael [2] - 1:19, 21:24 microphone [1] - 10:14 middle [2] - 18:10, 20:9 might [1] - 3:11 minor [2] - 4:1, 4:11 minutes [1] - 22:16 missed [1] - 15:14 misses [1] - 14:15 missing [1] - 11:7 Mitchell [25] - 2:3, 2:12, 4:22, 5:5, 5:14, 5:22, 7:9, 7:17, 7:22, 8:7, 9:19, 17:21, 19:5, 19:10, 19:13, 19:15, 19:21, 20:5, 20:14, 21:18, 21:21, 22:12, 24:12, 24:18, 26:5 MITCHELL [1] - 1:6 Mitchell's [5] - 3:2, 4:20, 9:9, 19:5, 19:8 mitigation [1] - 3:15 mixed [1] - 14:14 mom [2] - 13:25, 14:15 moment [2] - 2:17, 16:16 Monday [1] - 12:15 monetarily [1] - 13:2</p>	<p>money [4] - 18:17, 18:18, 18:21, 19:3 months [1] - 23:18 mood [2] - 14:11, 14:13 moral [2] - 21:22, 22:13 morality [1] - 23:12 morning [6] - 2:5, 2:6, 2:7, 2:15, 10:16, 10:20 Morrison [1] - 22:1 most [2] - 8:24, 22:14 mother [9] - 10:12, 10:24, 11:4, 11:7, 11:10, 11:12, 13:15, 14:16, 15:15 mother's [1] - 13:24 motions [1] - 21:24 move [1] - 10:14 MR [23] - 2:2, 2:11, 2:21, 3:25, 4:6, 4:8, 4:11, 4:14, 4:19, 5:21, 5:24, 6:23, 7:11, 7:19, 8:9, 9:25, 10:7, 10:11, 16:16, 16:20, 17:2, 18:2, 18:8 MS [13] - 2:7, 2:12, 2:18, 2:25, 3:7, 3:12, 3:14, 8:2, 8:18, 10:16, 10:20, 16:14, 17:13 murder [3] - 13:1, 18:25, 21:5 music [1] - 13:1 Myrtle [3] - 10:11, 10:21, 15:15</p>	<p>notice [2] - 5:10, 24:20 Number [1] - 2:3 Number(s) [1] - 26:5 numbered [2] - 11:16, 15:2 numerous [2] - 12:18, 14:2</p>	<p>outstanding [1] - 15:20 own [2] - 12:25, 13:2</p>	<p>plainly [1] - 9:18 playing [1] - 8:25 plus [1] - 24:6 point [4] - 2:13, 8:10, 8:22, 18:3 points [1] - 4:2 police [1] - 18:19 policy [1] - 20:21 position [3] - 6:13, 6:23, 22:22 positions [1] - 14:8 positive [1] - 23:6 possible [1] - 24:14 potential [2] - 7:21, 23:9 pray [3] - 15:3, 16:2 precedent [1] - 6:16 prepared [2] - 2:9, 17:15 presence [1] - 13:20 present [1] - 17:20 Present [1] - 1:20 presentation [2] - 16:23, 17:16 Presentence [3] - 2:9, 2:23, 21:25 president [1] - 18:13 preventing [1] - 19:3 prison [1] - 15:6 Prisons [3] - 23:21, 24:13, 24:15 Probation [1] - 1:20 problem [1] - 14:5 problems [2] - 13:24, 14:12 procedural [1] - 24:22 proceeding [1] - 9:23 Proceedings [3] - 2:1, 16:19, 25:1 proceedings [8] - 9:11, 9:12, 9:18, 9:20, 19:9, 20:3, 26:4, 26:7 productive [1] - 23:6 profound [1] - 21:10 profoundly [1] - 19:12 progress [1] - 9:21 promoting [1] - 12:25 prosecution [7] - 6:6, 15:17, 18:5, 18:16, 18:19, 20:24, 24:25 proved [1] - 15:18 provide [3] - 3:3, 3:16, 21:14 provided [4] - 2:14, 3:9, 13:17, 20:16 provides [1] - 6:3 proving [1] - 16:9 Psalms [1] - 11:19 PSR [6] - 2:14, 2:15,</p>
	<p>N</p> <p>name [2] - 7:7, 10:20 natural [1] - 23:11 near [3] - 17:22, 24:14 necessary [2] - 17:8, 21:9 need [1] - 2:17 needs [4] - 3:20, 14:3, 14:6, 21:1 negative [1] - 12:20 never [7] - 11:12, 11:15, 12:1, 12:20, 13:13, 15:6, 16:2 new [2] - 17:18 nice [1] - 8:12 Nieisha [1] - 7:12 night [1] - 11:11 NO [1] - 1:5 non [1] - 9:5 non-violence [1] - 9:5 NORTHERN [1] - 1:2 note [1] - 3:21 notes [1] - 5:25 nothing [1] - 17:2</p>	<p>O</p> <p>oath [1] - 10:3 obligation [1] - 19:14 observations [1] - 20:22 obstruct [2] - 6:4, 9:20 obstructed [1] - 6:4 obstruction [7] - 6:1, 6:18, 7:2, 8:24, 9:3, 9:8, 9:13 obstructive [2] - 6:7, 6:12 obviously [2] - 9:14, 10:2 occurred [1] - 18:24 occurs [1] - 19:1 odious [1] - 22:16 OF [2] - 1:1, 1:4 offended [2] - 18:5, 18:6 offense [7] - 5:2, 5:13, 6:6, 6:8, 6:9, 9:22 Offense [1] - 9:23 offenses [1] - 5:1 offers [2] - 3:25, 22:1 Officer [1] - 1:20 Official [1] - 26:15 official [1] - 26:7 often [3] - 12:5, 15:11, 22:22 old [3] - 11:10, 12:6, 20:15 oldest [1] - 13:23 Oliver [1] - 16:20 once [2] - 12:6, 12:20 one [9] - 2:13, 6:7, 7:9, 10:11, 11:5, 14:17, 14:19, 16:16, 22:13 One [2] - 5:14, 5:23 one's [1] - 19:9 ones [1] - 11:15 opportunities [2] - 22:25, 23:7 opportunity [1] - 21:18 order [1] - 22:7 orderly [2] - 9:12, 9:21 ourselves [1] - 12:6 outbursts [1] - 9:11 outgoing [1] - 13:18 outlive [1] - 12:4</p>	<p>P</p> <p>package [3] - 18:14, 21:2, 23:8 Page [1] - 4:6 page [1] - 15:8 pages [1] - 26:6 paid [1] - 24:11 pain [2] - 15:4, 15:10 paragraph [1] - 5:24 Paragraph [6] - 4:6, 4:12, 4:19, 4:23, 5:3, 5:17 paragraphs [1] - 5:18 parcel [1] - 5:18 parent [1] - 12:1 parole [2] - 15:6, 23:16 part [3] - 4:23, 5:18, 11:18 participate [1] - 2:13 particular [1] - 21:15 particularly [2] - 21:11, 22:16 partner [1] - 11:21 party [1] - 13:20 passed [2] - 15:24, 18:13 Pause [1] - 16:19 penitentiaries [1] - 17:24 Pennsylvania [2] - 7:7, 7:10 people [13] - 13:18, 14:10, 15:25, 16:6, 19:15, 20:12, 20:17, 22:22, 23:1, 23:3, 23:4, 23:7, 23:8 people's [1] - 14:25 perfectly [1] - 10:4 perhaps [2] - 16:6, 21:9 Perhaps [1] - 10:14 period [3] - 4:25, 5:3, 24:9 permissible [2] - 10:6, 10:9 permission [1] - 3:8 perpetrators [1] - 16:1 perpetuates [1] - 19:19 person [3] - 14:24, 16:3, 20:21 person's [2] - 14:24, 15:7 personal [2] - 13:3, 14:18 place [2] - 12:21, 14:7 placed [1] - 17:22</p>	

<p>4:2, 4:19, 5:10, 5:25 PTA [1] - 10:24 Public [1] - 22:10 public [3] - 18:21, 22:6, 22:8 purpose [1] - 8:18 purposes [2] - 3:15, 9:3 put [2] - 8:24, 12:7</p>	<p>remember [1] - 12:13 remind [1] - 7:6 reminisce [1] - 11:9 remorse [1] - 13:8 remotely [1] - 22:13 repeated [1] - 9:10 replaced [1] - 19:16 report [1] - 3:19 Report [2] - 2:24, 21:25 Reported [1] - 1:22 Reporter [1] - 26:15 REPORTER'S [1] - 26:1 represent [1] - 20:5 request [5] - 6:24, 22:5, 22:6, 22:8, 22:11 required [1] - 21:19 requirement [1] - 24:22 reserve [1] - 17:19 Resolution [1] - 22:10 respect [2] - 6:5, 9:7 respectfully [1] - 15:14 responded [1] - 21:13 rest [2] - 15:5, 24:17 result [1] - 6:18 retired [1] - 11:3 return [2] - 22:1, 22:3 revealed [1] - 9:18 reviewed [1] - 2:9 reviewing [2] - 2:14, 2:15 reward [1] - 11:20 RHODES [10] - 2:7, 2:12, 2:18, 2:25, 3:7, 3:12, 3:14, 8:2, 8:18, 17:13 Rhodes [12] - 1:18, 2:6, 2:8, 2:23, 3:19, 6:21, 7:14, 17:12, 18:1, 21:11, 21:24, 24:21 rise [1] - 12:8 risk [1] - 7:21 robbery [1] - 13:1 Robert [1] - 1:16 role [2] - 9:9, 9:10 room [1] - 11:8 Room [1] - 1:23 RPR [1] - 1:23</p>	<p>22:23 sealed [1] - 19:8 seated [1] - 10:19 Section [1] - 6:3 see [7] - 14:20, 14:21, 14:22, 19:15, 20:22, 20:23, 24:22 seed [2] - 19:5, 19:21 seeds [1] - 19:22 seem [2] - 19:17, 19:18 selection [1] - 21:23 selfish [1] - 13:5 selfishly [1] - 12:24 selling [1] - 13:1 send [1] - 3:21 senior [1] - 12:8 sense [2] - 8:4, 13:19 sent [3] - 11:22, 11:23, 12:20 sentence [10] - 6:15, 9:15, 17:6, 17:7, 21:19, 22:2, 23:14, 23:21, 23:25, 24:6 sentenced [5] - 23:16, 23:18, 23:20, 23:24, 24:2 sentences [8] - 17:4, 17:15, 23:17, 23:19, 23:22, 24:1, 24:3, 24:4 Sentencing [2] - 1:10, 6:2 sentencing [7] - 2:4, 2:9, 3:5, 6:2, 6:6, 16:3, 17:18 sentient [2] - 21:21, 22:12 September [1] - 12:18 serious [1] - 21:15 served [6] - 23:17, 23:19, 23:22, 23:25, 24:3, 24:7 service [1] - 21:14 set [1] - 22:8 setting [1] - 12:14 settlement [1] - 22:4 seven [1] - 10:21 several [1] - 17:15 Shalay [10] - 11:6, 13:16, 13:23, 13:25, 14:1, 14:9, 14:13, 14:15, 14:19, 14:21 shall [1] - 8:4 shame [1] - 20:19 shirts [1] - 11:11 shows [1] - 22:20 signature [1] - 26:10 signed [1] - 18:13 simply [3] - 10:4, 17:10, 17:16 sincerely [1] - 20:2 sisters [2] - 7:9, 7:12</p>	<p>sit [2] - 17:10, 18:15 sitting [1] - 11:8 six [1] - 15:23 sleep [1] - 11:12 sleep-over [1] - 11:12 smart [1] - 23:11 smarter [1] - 21:2 society [3] - 18:23, 19:15, 19:18 someone [3] - 15:9, 21:1 sorrow [1] - 13:7 sort [6] - 3:1, 3:20, 7:3, 8:12, 9:1, 18:4 sound [1] - 3:22 special [2] - 14:3, 24:10 specific [1] - 14:12 speech [1] - 7:3 spend [5] - 15:5, 18:18, 18:21, 19:3, 20:10 spent [7] - 11:11, 11:12, 15:23, 16:8, 18:17, 18:18, 20:4 stability [1] - 13:2 stand [1] - 10:3 standards [1] - 9:13 started [1] - 11:9 state [1] - 5:7 State [1] - 15:24 statement [7] - 7:24, 7:25, 8:1, 11:18, 15:9, 16:11, 22:17 States [2] - 2:2, 24:20 STATES [2] - 1:1, 1:4 stenographically [1] - 26:4 step [1] - 10:13 stepped [1] - 21:12 still [6] - 3:3, 11:22, 12:16, 15:11, 15:12, 19:24 stimulus [3] - 18:14, 21:2, 23:8 stirred [1] - 12:9 street [2] - 16:6, 16:7 Street [1] - 1:24 strength [1] - 16:11 strikes [1] - 20:8 strong [1] - 16:12 struck [2] - 18:8, 18:9 submitted [1] - 15:15 subsequent [1] - 18:9 suffer [1] - 14:10 superseding [1] - 23:15 Supervised [1] - 24:7 Supreme [1] - 17:17 suspect [1] - 10:7 swings [2] - 14:11, 14:13</p>	<p>symmetry [1] - 5:12 symptoms [1] - 14:12 system [2] - 18:22, 22:22</p>
<p>Q</p>				<p>T</p>
<p>quick [1] - 3:21 quickly [1] - 3:11 quite [1] - 5:16</p>				<p>talks [1] - 11:7 tapes [1] - 9:1 Tears [1] - 15:11 ten [4] - 11:10, 13:24, 23:21, 24:18 tend [1] - 14:11 term [1] - 4:8 terms [4] - 6:15, 8:22, 8:25, 17:14 terribly [1] - 3:23 testify [1] - 10:3 testimony [2] - 8:3, 9:7 THE [39] - 1:1, 1:1, 2:5, 2:8, 2:17, 2:19, 2:22, 3:6, 3:11, 3:13, 3:18, 4:5, 4:7, 4:10, 4:13, 4:17, 5:15, 5:22, 6:21, 7:5, 7:14, 7:20, 8:8, 8:17, 9:6, 10:2, 10:10, 10:13, 10:18, 16:10, 16:15, 16:18, 16:24, 17:12, 18:1, 18:6, 21:8, 21:21, 22:12 therefore [3] - 5:13, 9:22, 19:1 thinks [1] - 20:19 Third [1] - 4:14 three [5] - 9:25, 11:5, 13:15, 14:13, 24:8 Three [1] - 4:9 thrown [1] - 22:25 tie [1] - 11:11 tie-dye [1] - 11:11 Tim [1] - 1:20 timing [2] - 8:6 Timothy [1] - 21:25 today [7] - 2:4, 10:1, 11:7, 12:17, 14:1, 20:6, 24:19 today's [1] - 19:9 took [2] - 14:21, 14:22 total [3] - 24:6, 24:9, 24:11 totally [1] - 22:24 toward [2] - 3:5, 4:20 towards [1] - 3:4 traditions [1] - 21:17 tragedy [2] - 19:7, 20:7 transcribed [1] - 26:7 transcript [1] - 26:7 transitions [1] - 14:9 tremendously [1] -</p>
<p>R</p>				
<p>racketeering [5] - 4:23, 4:25, 5:3, 5:9, 5:19 raise [1] - 12:11 rap [1] - 12:25 rate [2] - 18:25 read [2] - 4:8, 11:18 real [1] - 20:18 reality [1] - 19:23 realizing [1] - 13:14 really [7] - 3:4, 11:21, 14:8, 22:20, 23:5 reasonable [1] - 15:18 reasonably [2] - 7:16, 7:25 reassure [1] - 14:21 recalling [1] - 8:5 recent [1] - 17:10 recess [1] - 24:25 recollection [1] - 8:14 recommendation [2] - 24:13, 24:15 recommending [1] - 17:22 record [4] - 4:4, 6:25, 9:18, 17:3 recorded [1] - 26:3 records [1] - 3:16 recovery [2] - 18:14, 20:11 referring [1] - 7:17 reflect [2] - 19:13 regard [1] - 2:23 regarding [3] - 3:2, 7:8, 8:3 Reginald [1] - 22:1 regret [1] - 13:8 related [5] - 3:1, 4:25, 5:4, 6:7, 6:9 release [2] - 22:7, 24:7 released [1] - 8:11 relevant [2] - 5:8, 6:8</p>				
	<p>S</p>			
	<p>sake [1] - 5:12 salaries [1] - 18:19 sat [2] - 15:22, 22:17 satisfied [1] - 24:22 satisfy [1] - 9:12 savior [1] - 14:18 saw [2] - 15:22, 23:9 school [2] - 14:3, 18:22 schools [2] - 14:4,</p>			

<p>12:12 trenches [1] - 20:21 trial [11] - 5:5, 7:15, 11:9, 12:18, 13:7, 17:18, 18:9, 18:10, 20:3, 20:9 trillion [2] - 18:13, 20:10 trivial [1] - 22:19 true [1] - 20:7 truly [1] - 15:13 truthful [1] - 7:24 truthfulness [1] - 8:14 tune [1] - 18:11 turn [2] - 15:8, 22:17 twice [1] - 14:2 two [8] - 3:25, 5:25, 6:8, 6:9, 6:17, 7:11, 10:1, 13:25 two-level [1] - 5:25 types [1] - 19:3</p>	<p>violation [1] - 4:20 violence [5] - 7:1, 8:23, 9:5, 19:18, 21:5 violent [1] - 7:2</p>	<p>Z</p> <p>Zajac [3] - 1:23, 26:3, 26:14</p>
<p>U</p>	<p>W</p>	
	<p>waive [1] - 22:6 waived [1] - 24:10 wants [3] - 14:15, 16:21, 21:10 weather [1] - 8:12 weekend [1] - 20:6 welcome [1] - 13:21 West [1] - 1:24 Whereof [1] - 26:9 willfully [2] - 6:3, 9:19 Williams [9] - 10:11, 10:13, 10:19, 10:21, 15:15, 16:10, 19:11, 20:1, 22:17 WILLIAMS [3] - 10:16, 10:20, 16:14 Willie [3] - 2:3, 21:21, 26:4 WILLIE [1] - 1:6 wish [5] - 6:22, 10:3, 10:4, 21:20, 22:5 Witness [1] - 26:9 witness [5] - 4:1, 7:7, 7:21, 8:1 witness' [1] - 8:3 witnesses [3] - 9:24, 10:2, 16:23 womb [1] - 11:20 wondered [2] - 18:20, 19:2 wonderful [1] - 13:19 words [1] - 7:1 worse [1] - 19:24 writer [1] - 2:14 wrote [1] - 15:14 Wyche [1] - 19:14</p>	
<p>V</p>	<p>Y</p>	
	<p>year [1] - 20:15 years [15] - 4:9, 6:17, 10:21, 11:10, 13:25, 15:23, 17:10, 22:15, 23:21, 23:24, 24:2, 24:7, 24:8, 24:9 young [1] - 19:17 yourselves [2] - 21:16, 21:17</p>	